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November 11, 2016

Federal Election Commission  
Jeff S. Jordan, Assistant General Counsel  
Office of Complaint Examination  
and Legal Administration  
999 E. Street, N.W.  
Washington, D.C. 20463

Re: MUR 7131

Dear Mr. Jordan:

On behalf of Representative-Elect Carol Shea-Porter ("Respondent"), we respond to the email received by the Federal Election Commission ("FEC" or "Commission") on October 17, 2016 (the "Supplemental Complaint") from Brian T. Griset ("Complainant").<sup>1</sup>

The Supplemental Complaint is invalid and the FEC is barred from considering it. The FEC may only consider a complaint that substantially complies with the requirements set forth in the statute and the regulations.<sup>2</sup> The statute provides that a complaint must "be in writing, signed *and sworn to* by the person filing such complaint, *shall be notarized*, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18."<sup>3</sup> Commission regulations similarly provide that "[t]he contents of the complaint *shall be sworn to* and signed in the presence of a notary public and *shall be notarized*."<sup>4</sup> Statements not based on personal knowledge "should be accompanied by an identification of the source of information which gives rise to the complainants [sic] belief."<sup>5</sup>

The Supplemental Complaint fails to meet these requirements. It was *not* sworn to and was *not* notarized. Moreover, it fails to identify any specific Commission report showing any in-kind contribution received by Representative-Elect Shea-Porter. Instead, the Complainant says simply: "I believe that I saw the same type of 'credits' to outstanding debt on the Carol Shea-Porter Campaign Committee filings." Because the Complaint failed to meet the basic

<sup>1</sup> Since receiving the Supplemental Complaint, Representative-Elect Shea-Porter was elected to the 115th Congress by New Hampshire's First District.

<sup>2</sup> 11 C.F.R. § 111.5(a).

<sup>3</sup> 52 U.S.C. § 30109(a)(1) (emphasis added); 11 C.F.R. 111.4(b)(2).

<sup>4</sup> 11 C.F.R. § 111.4(b)(2) (emphasis added).

<sup>5</sup> *Id.* § 111.4(d)(2).

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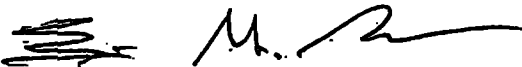
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requirements of 11 C.F.R. § 111.4, the Commission should have already notified Mr. Griset and Representative-Elect Shea-Porter that no action will be taken on its basis.<sup>6</sup>

Even if the Supplemental Complaint met the threshold requirements for Commission review, it still presents no violation by Representative-Elect Shea-Porter. She is only mentioned once, in the vague and speculative comment quoted above, and there are no facts provided to describe any in-kind contribution, or any other violation of a statute or regulation over which the Commission has jurisdiction.<sup>7</sup> Accordingly, even if the Supplemental Complaint were sworn, and even if it identified any specific source of information, the Commission would still be required to dismiss it with respect to Representative-Elect Shea-Porter.<sup>8</sup>

Thus, we respectfully request the General Counsel immediately to provide the notice required by 11 C.F.R. § 111.5(b) and take no further action with regard to the Supplemental Complaint in MUR 7136.

Sincerely,



Brian G. Svoboda  
Courtney Weisman  
Counsel to Representative-Elect Carol Shea-Porter

<sup>6</sup> *Id.* § 111.5(b).

<sup>7</sup> 11 C.F.R. § 111.4(d)(3).

<sup>8</sup> See 11 C.F.R. § 111.4 (d)(3); see also Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, Matter Under Review 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000).